

FILE COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL SCOTT,

Petitioner,

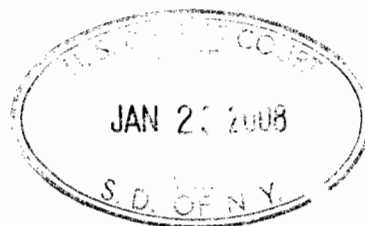
-against-

**JOSEPH T. SMITH, Superintendent,
Shawangunk Correctional Facility,**

Respondent.
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: 07 Civ. 3395 (KMK) (LMS)
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SCHEDULING ORDER
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SMITH, United States Magistrate Judge:

In May 2007, the Court received a letter from Petitioner requesting that the Court grant him a "Stay and Abeyance" so that Petitioner could attempt to obtain his trial transcripts "to better perfect [his] Federal Habeas Corpus Petition." This letter was returned to Petitioner because it lacked an original signature. Petitioner properly renewed his request in a letter dated June 15, 2007, and filed with the Court on August 20, 2007. Docket entry 12. Attached to both letters are copies of letters that Petitioner sent to his former attorneys, the Westchester County Court, the Appellate Division, and the Westchester County Clerk. The Court, having no success in contacting Petitioner's appellate counsel, requested that Respondent provide copies of Petitioner's trial transcript to the Court. Respondent did so, and the transcripts will be sent to the Petitioner with this Order. Thus, the Court issues the following order:

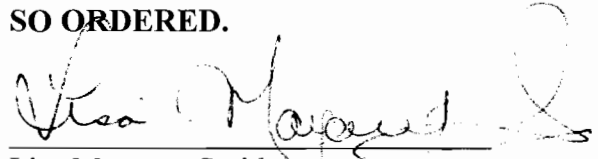
- * 1. Petitioner's request for a "Stay and Abeyance" is hereby denied as moot. *
2. Petitioner is directed to respond to Respondent's opposition to Petitioner's petition no later than March 28, 2008. Petitioner is directed to return the transcripts to Respondent at the close of this case.

Copies Mailed to Counsel of Record.

3. Respondent is directed to reply, should it deem a reply necessary, by April 21, 2008.

Dated: White Plains, New York
1-25, 2008

SO ORDERED.

A handwritten signature in cursive script, appearing to read "Lisa Margaret Smith", written over a horizontal line.

Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York